

# Release Rudolf Hess

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**T**HE CASE of Rudolf Hess has become an international scandal. The inability of the three most powerful nations of the free world to force the Soviet Government to consent to Hess' release, as many times suggested by the United States, Great Britain and France, reveals a certain paralysis on the side of the West to counter the Soviet insistence to prolong—until death—the purely medieval torture of Spandau's last prisoner.

There are several legally valid reasons for the immediate release of Hess. One of the lesser known reasons is the fact that two psychiatrists who have examined Rudolf Hess in 1941 and 1948 arrived at the same diagnosis without knowing about each other. The British psychiatrist, Dr. J. R. Rees, who had examined Hess shortly after his flight to Scotland in 1941 diagnosed schizophrenia and declared Hess insane.

The American psychiatrist, Dr. Maurice Walsh, interviewed Hess in the Spandau prison in 1948. He arrived at the same diagnosis as did Rees in 1941. Both Army psychiatrists were strictly forbidden to reveal what they considered to be the truth in their official reports.

Dr. Rees was forced to falsify his official report on Hess by the British Prime Minister Winston Churchill and Dr. Walsh was ordered to falsify his

report to the Berlin Four-Power Commission by the Surgeon of the American garrison in Berlin, Col. Chamberlain.

## **Official Reports Falsified**

The reason behind Churchill's order to falsify the medical report was that he did not want to repatriate Hess to Nazi Germany. He wanted to keep him in England, so he could be tried after the war as a war criminal. The American Chamberlain had another reason to order the falsification of an official document. He did not want to contradict or embarrass the Soviets who insisted that Hess was sane and should serve his whole lifetime in Spandau.

Whether the diagnosis of Dr. Rees and Dr. Walsh was correct, I cannot decide; it is immaterial for our purpose. What matters is the fact that the diagnosis of the two psychiatrists represents the official opinion of the experts of Great Britain and the United States.

Under the assumption of its veracity, the incarceration of Hess is a violation of Western law and civilized tradition. It is also a violation of Soviet law. Today the Soviets frequently declare intellectuals who protest too much against Soviet oppression or the invasion of Czechoslovakia as insane and lock them up in sanitariums in order not to subject them to a public trial which might backfire.

## Hess Is Believed Sane

Even if Hess should be completely sane as most people believe, especially on the basis of his published letters to his wife, he should now be released. He has spent almost twenty-eight years in prison. First in England, then in Nuremberg and since 1946 in Spandau.

At the Nuremberg trial, Hess had been acquitted on two of the three counts in his indictment: War Crimes and Crimes against Humanity. He was found guilty on the third count, "Aggressive War." Since "Aggressive War" was no statutory crime at the time, his indictment and conviction is a classic example of *ex post facto* jurisdiction, condemned by all civilized nations. The U.S. Constitution prohibits the creation of any *ex post facto* law in its Article 1, Section 9.

## Western Powers Demanded Release

The United States, Britain and France repeatedly demanded the release of Hess from Spandau. The Soviets never gave its consent. Since Hess is under the Four-Power Administration, he cannot be officially released without consent of the Soviets.

In 1967 an organization, "Freedom for Rudolf Hess," was founded in Germany. Its appeal for the release of Hess has been signed by more than 800 people, among them Nobel Prize winners, distinguished statesmen, well known lawyers, humanitarians, writers and scholars.

Besides the 800 who signed the appeal, the following jurists who had indicted and sentenced Hess in Nuremberg, demanded publicly his release:

Sir Hartley Shawcross, British Chief Prosecutor at the first Nazi War Crime trial at Nuremberg; Rt. Hon. Lord Trevetyn and Oaksey; former Lord Justice Lawrence, president of the International Military Tribunal at Nuremberg. Francis Biddle also demanded Hess' release. That Winston Churchill thought long ago that Hess should be released is a matter of public record.

## An Appeal to the Soviets

In consideration of all these facts, I wrote on October 28, 1968 to Alexander Kosygin, Chairman of the Council of Ministers of the Soviet Government. I asked Kosygin to reconsider his Government's denial of the repeated request by the three Western allies for Rudolf Hess' release. I suggested to Kosygin that Hess' release would be an appropriate gesture in 1969, the year declared by the United Nations as Human Rights Year.

Eventually I received Kosygin's answer, through the Soviet Embassy in Washington, which completely ignores all humanitarian consideration and misrepresents the case. The letter states:

"In its statement of Dec. 24, 1964, the Soviet Government pointed out that the FRG (Federal Republic of Germany), being one of the successors of the former Hitler Reich, is legally responsible to punish every war criminal and nobody can free the FRG from its responsibility."

The letter is completely meaningless as far as Hess is concerned. Hess has never been the responsibility of the Bonn Republic. He was, and still is a Four-Power liability of the U.S., Great Britain, France and the Soviet Union. They alone are responsible for Hess. They alone can free him.

## Can Be Released Legally

On Sept. 30, 1968, Wolf Ruediger Hess, Hess's son, called a press conference in Berlin.

At this conference, the French writer, Michel Vercel, declared he had been allowed to see the statutes of the Spandau Prison Administration. He discovered a provision, according to which each of the four powers has the right to withdraw from the four-power administration of the prison. According to the statute this would result in turning over of Hess to the state which had arrested him, that is Great Britain. The British could then release him. Vercel

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ney is created that sucks cool air into the house. By placing a fan in front of the open window *facing out*, a draft is created that will cool and circulate air throughout the entire house.

It may sound silly to have your fan blowing out of the window, but in many cases it has been found to work much better than having it blowing into the room. Rooms that have two windows facing out in different directions, providing natural cross-ventilation, can best be cooled on hot, still nights by placing the fan on a table in front of one of the open windows, facing outward. The fan so placed drives out the warm air and draws in cooler air to replace it and brings about a lively circulation through the room.

### **Living Plants Help**

Many people who live in city apartments swear by large, leafy plants strategically placed in their rooms. It is no botanical secret that living plants, greens and ferns purify and oxygenize the air. So aside from the verdant psychological effect of foliage, it really does help cool a room.

Plants also help absorb humidity by drawing moisture from the air. This can be a great help in some climates, be-

cause whoever invented that old saw about the heat and the humidity knew what he was talking about. A combination of high temperature and high humidity is notoriously uncomfortable because humidity prevents perspiration and does not allow the system to release its heat through natural channels.

Many of the traditional home methods of keeping cool still have their popular adherents and are apparently successful. Working housewives can find respite from the heat by taking occasional hot foot-baths, which serve to draw the blood away from the head. Running cool water on the wrists and cold applications on the back of the neck are tried and true methods traceable back to Plymouth Rock and the Pilgrims. Changes of clothing, especially shoes and stockings, have a cooling effect. Boosts the morale, too.

Most important of all in the business of keeping cool is inner quiet. Don't rush, don't hurry, don't bustle. Try to maintain an imperturbable calm and treat minor annoyances casually. People of warm climates are noted for their easy-going attitudes; they've wisely adopted slow-motion because it's the only way to be comfortable in the heat.

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was not allowed to take a copy of the exact text of this statute. I was not yet able to secure a copy of this statute but I have no reason to distrust Vercel.

If Vercel was given permission to see the Statute, it cannot be secret. Other journalists, lawyers and scholars should have the same privilege. If the statute turns out to be as Vercel described it and as was reported in the London *Times* of October 1, 1968, I see no rea-

son why the Western allies should not avail themselves of it. As Vercel stated, the French law does not permit the keeping of a prisoner in solitary confinement for more than a year.

It is high time that the Western Powers combine their efforts to prevent the Soviet Government from letting Hess die in Spandau. Prolonged confinement of the seventy-four-year-old Rudolf Hess is nothing but a medieval torture.